



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

ICR/NJM  
F. #2015R01787

*271 Cadman Plaza East  
Brooklyn, New York 11201*

February 15, 2017

By FedEx and ECF

Nick Akerman, Esq.  
Joshua Colangelo-Bryan, Esq.  
Dorsey & Whitney LLP  
51 West 52nd Street  
New York, New York 10019

Re: United States v. Dan Zhong  
Criminal Docket No. 16-614 (DLI)

Dear Messrs. Akerman and Colangelo-Bryan:

Enclosed please find the government's discovery in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendant.

I. The Government's Discovery

A. Statements of the Defendant

Enclosed is a disc containing the following:

- Documents from the defendant's A-File which include pedigree information and statements of the defendant (DZ000001-DZ002710);
- A redacted report of investigation reflecting statements made by the defendant on January 2, 2016 (DZ002711-DZ002713); and
- A redacted report of investigation reflecting statements made by the defendant on January 28, 2016 (DZ002714-DZ002716).

B. The Defendant's Criminal History

At this time, the government is not aware of any criminal history, youthful offender, or juvenile offender adjudications of the defendant.

C. Documents and Tangible Objects

Also enclosed are discs containing copies of the following documents, records, and tangible objects:

- Records of the Bank of China (DZ002717-DZ010975);
- Records of Scottrade Inc. (DZ010976-DZ011226);
- Records of HSBC Bank USA, N.A. (DZ011227-DZ014493);
- Records of Citibank, N.A. (DZ014494-DZ014562);
- Records of JPMorgan Chase Bank, N.A. and Chase Bank USA, N.A. (DZ014563-DZ015539);
- Records of Home Depot Credit Services (DZ015540- DZ015659);
- Records of the Bank of Communications Co., Ltd. (DZ015660-DZ016089);
- Records of the New York City Department of Buildings (DZ016090-DZ017032);
- Photographs of passports and visas of Rilin workers taken on October 8, 2015, at a private residence located in Fresh Meadows, New York (DZ017033-DZ017040);
- Photographs of a residence in Old Brookville, New York (DZ017041-DZ017042);
- Photographs of the exterior of apartments located at Summit Avenue, in Jersey City, New Jersey (DZ017043-DZ017064);
- Documents obtained from Rilin workers at John F. Kennedy International Airport on October 19, 2015 (DZ017065-DZ017102);

- A lease agreement between Summit Avenue Holding LLC and Liaoning Rilin Construction, (Group) Co., Ltd. (DZ017103-DZ017109);
- Records from the New York Department of Motor Vehicles (DZ017110-DZ017119);
- E-ZPass records of the Port Authority of New York and New Jersey (DZ017120-DZ017166);
- U.S. Rilin Corp. documents regarding a residence in Old Brookville, New York (DZ017167-DZ017169);
- Correspondence from counsel for entities affiliated with Liaoning Rilin Construction, (Group) Co., Ltd. (the “Rilin Entities”) regarding document productions, and documents provided by counsel (RILIN000001-RILIN000064); and
- Documents provided by the Rilin Entities, Bates numbered USRC 000001-USRC 005731 and NYP-S 000001-NYP-S 000100; WL 000032-WL 060988, WLE 000001-WLE 055490, and WLP 000001-WLP 000155; CS 000001-CS 001464; USR 000001-USR 000629, USR 000636-USR 013342, USR 013345-USR 013878, USRE 000001-USRE 0064130, and USRP 000001-USRP 000156.

You may examine the physical evidence discoverable under Rule 16, including original documents, by calling me to arrange a mutually convenient time.

D. Reports of Examinations and Tests

The government will provide you with copies of any reports of examinations or tests in this case as they become available.

E. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703 and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert’s opinion.

The identity, qualifications, and bases for the conclusions of each expert will be provided to you when they become available.

F. Brady Material

The government is not aware of any exculpatory material regarding the defendant. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

G. Other Crimes, Wrongs or Acts

The government will provide the defendant with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendant allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendant disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendant have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendant intends to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendant's intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendant intends to rely in establishing the defense identified in any such notice.

III. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact me.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 566 U.S. 156 (2012), and Missouri v. Frye, 566 U.S. 133 (2012).

Very truly yours,

ROBERT L. CAPERS  
United States Attorney

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Enclosures (DZ000001-DZ017169)  
(RILIN000001-RILIN000064)  
(CS 000001-CS 001464)  
(NYP-S\_000001-NYP-S\_000100)  
(USR 000001-USR 000629, USR 000636-USR 013342,  
USR 01334-USR 013878)  
(USRC 000001-USRC 005731)  
(USRE000001-USRE0064130)  
(USRP 000001-USRP 000156)  
(WL000032-WL060988)  
(WLE000001-WLE055490)  
(WLP 000001-WLP 000155)

cc: Clerk of the Court (DLI) (by ECF) (without enclosures)